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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**Patrick Cross, Individually and  
on behalf of All Others Similarly  
Situating,**

**Plaintiff,**

**v.**

**Infinity Energy, Inc., and INFY  
Marketing, LLC,**

**Defendants.**

**Case No.: 16-CV-2527-MMA-JLB**

**CLASS ACTION**

**JOINT MOTION FOR  
DISMISSAL WITH PREJUDICE  
AS TO THE NAMED  
PLAINTIFF AND WITHOUT  
PREJUDICE AS TO THE  
PUTATIVE CLASS**

**JUDGE: Michael M. Anello  
MAGISTRATE JUDGE:  
Jill Burkhardt**

Plaintiff PATRICK CROSS (referred to as “Plaintiff”), Defendants INFINITY ENERGY, INC. and INFY MARKETING, LLC (collectively referred to as “Defendants”) hereby jointly move to dismiss the above entitled action with prejudice as to the named Plaintiff and without prejudice as to the Putative Class.

This Court can proceed to dismiss this action entirely with prejudice as to the

1 named Plaintiff and without prejudice as to the Putative Class and this Court retains  
2 jurisdiction to enforce the settlement of this action.

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4 Respectfully submitted,

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6 Date: May 10, 2017

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8 **HYDE & SWIGART**

**Elguindy, Meyer & Koegel**

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10 By: s/Kevin Lemieux  
Kevin Lemieux  
11 Attorneys for Plaintiff

By: s/Benjamin Koegel  
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